

Dear Ben Stott:

It has come to our attention that you have exceeded the legal limits of the water rights owned by you and L.B. Ranch during the 1997 irrigation season. You are hereby ordered to cease and desist irrigation in excess of your legal and valid water rights.

L.B. Ranch owns a certain parcel of property located in the Southwest 1/4 of Section 22, the Northwest 1/4 of Section 28, and the Northeast 1/4 of the Southwest 1/4 of Section 28, Township 20 South, Range 5 West, SLB&M, to which we shall refer as the "L.B. Ranch property." Water User's Claim 67-190, certificate 7382, is owned by Pavant Development Company. According to information supplied to this office, you own a 40% share in Water User's Claim 67-190. Water User's Claim 67-190 has a total sole supply for 293.3 acres of irrigation. Your 40% share would therefore supply 117.32 acres of irrigation on the L.B. Ranch property. We have no record of any other water rights approved for use on the L.B. Ranch property.

During the 1997 irrigation season, approximately 300 acres of the L.B. Ranch property were irrigated. This over-irrigation was observed and documented by employees of the Division of Water Rights.

L.B. Ranch also owns a parcel of property located in the Northwest 1/4 of Section 33, Township 20 South, Range 5 West, SLB&M, to which we shall refer as the "Section 33 property." You filed segregations to separate your interest from Water User's claims 67-129, 67-130, and 67-145. The segregations were assigned new claim numbers and are now Water user's Claims 67-1177, 1178, and 1179. You then filed Change Application 67-1177 to change the place of use of a deeded 20% portion of Water User's Claims 67-1177, 67-1178, and 67-1179, to the Section 33 property. The Segregations, change application, and the Memorandum Decision approving the change all clearly stated that the amount of water subject to the change was limited to the sole supply of 32.88 acres of irrigation. Although a change was also filed to add the Section 33 property to the place of use of Water User's Claim 67-190, owned by Pavant Development Company, we have assumed that your 40% share of claim 67-190 was used on the L.B. Ranch property. In addition, change 67-1180, based on a deeded 50% portion of Water User's Claim 67-653, was approved to change the place of use to the Section 33 property. Water User's Claim 67-1180 is limited to the sole supply of 77.80 acres of irrigation. The total water right available for use on the Section 33 property is therefore 110.68 acres. We have no record of any other water rights approved for use on the Section 33 property.

During the 1997 irrigation season, approximately 160 acres of the Section 33 property was irrigated. This over-irrigation was observed and documented by employees of the Division of Water Rights.

You are hereby ordered to cease and desist any use of water in excess of the legal and valid water rights as described above.

The Pavant Valley is an area of increasing water usage. Much of the water is drawn from the groundwater aquifer. In order to protect the existing water users and to comply with the statutory mandate to uphold the law of the State of Utah, we are legally obligated to enforce the limitations of water rights in the Pavant Valley drainage.

The Attorney General's Office is prepared to file a complaint seeking an preliminary and permanent injunction to enforce the limits of your water rights unless we receive a satisfactory response from you within thirty days of the date of this order, or _____. Our expectations of a satisfactory response include either documentation of additional water rights owned by you, or submission of a compliance plan.

If you have valid and legal water rights that would cover the increased acreage, you must file the appropriate conveyance documents with the Division. You must also file the appropriate change applications. Any change applications changing the place of use to the L.B. Ranch property or the Section 33 property must be approved before the water can be used.

If you do not have additional water rights, we request that you submit a compliance plan with the Regional Office of the Division of Water Rights in Richfield. The compliance plan must include a specific designation of which 117.332 acres of the L.B. Ranch property and which 110.68 acres of the Section 33 property you intend to irrigate during the next irrigation season. The compliance plan must also include a plan, approved by the Division of Water Rights, for monitoring the actual irrigation. Similar plans would be submitted annually, before the beginning of the respective irrigation season, until the Division of Water Rights determines that it is no longer necessary.

Regardless of whether you file a compliance plan, this letter is a final notice and order to cease and desist irrigating more land than allowed under your water rights. If we have not received documents verifying additional water rights or a compliance plan from you within thirty days, the Attorney General's Office will file the complaint without further notice to you. If you choose to file a compliance plan, you are hereby notified that if at any time, including during the 1998 or any succeeding irrigation season, you are observed to irrigate in excess of your valid water rights, the Attorney General's Office will immediately file the complaint without further notice to you.

This is not an adjudication of your water rights. This is an action to enforce your legal and valid water rights, undertaken under authority granted to the State Engineer under Utah Code Annotated, Section 73-2-1 (Supp. 1997).

Dear Joe Stott:

It has come to our attention that you have exceeded the legal limits of the water rights owned by you and Stott Land and Livestock during the 1997 irrigation season. You are hereby ordered to cease and desist irrigation in excess of your legal and valid water rights.

Stott Land and Livestock owns a certain parcel of property located in the Northwest 1/4 and in the North 1/2 of the Southwest 1/4 of Section 24, Township 20 South, Range 5 West, SLB&M, to which we shall refer as the "east property." Water User's Claim 67-653, certificate 8193, was originally limited to the irrigation requirements of 156.6 acres in the Northwest 1/4 of Section 24, but no use in the Southwest 1/4 of Section 24. We have on file a quit-claim deed from Stott Land and Livestock conveying an undivided 50% interest in Water User's Claim 67-653 to L.B. Ranch. L.B. Ranch has filed a segregation and a change application on its portion, and has been using its water on another parcel of property. The portion retained by Stott Land and Livestock is therefore limited to 50% of 156.6 acres, or 77.6 acres of irrigation in the Northwest 1/4 of Section 24.

During the 1997 irrigation season, approximately 120 acres of the east property were irrigated. This over-irrigation was observed and documented by employees of the Division of Water Rights.

Stott Land and Livestock also owns a parcel of property located in the South 1/2 of the Southeast 1/4 of section 28, and in the North 1/2 of the Northeast 1/4 of Section 33, Township 20 South, Range 5 West, SLB&M, to which we shall refer as the "west property." Water User's Claims 67-129 and 67-130 together have a combined sole supply limitation of 80.0 acres of irrigation on the west property. Water User's claim 67-145 is limited to the irrigation requirements of 64.40 acres on the west property. These are the only claims that we have record as having the west property as a place of use. The combined total for the three claims originally was 164.4 acres. The same quit-claim deed mentioned above conveys an undivided 20% interest in claims 67-129, 67-130, and 67-145 to L.B. Ranch. L.B. Ranch has filed segregation and change applications on its portion of the three water rights and has been using its portion on other property. Therefore, Stott Land and Livestock is limited to the irrigation of 131.2 acres on the west property.

During the 1997 irrigation season, approximately 200 acres of the west property was irrigated. In addition, a portion of the North 1/2 of the Southeast 1/4 of section 33 was irrigated. There is no water right for that part of the west property.

You are hereby ordered to cease and desist any use of water in excess of the legal and valid water rights as described above.

The Pavant Valley is an area of increasing water usage. Much of the water is drawn from the groundwater aquifer. In order to protect the existing water users and to comply with the statutory mandate to uphold the law of the State of Utah, we are legally obligated to enforce the limitations of water rights in the Pavant Valley drainage.

The Attorney General's Office is prepared to file a complaint seeking an preliminary and permanent injunction to enforce the limits of your water rights unless we receive a satisfactory response from you within thirty days of the date of this order, or _____. Our expectations of a satisfactory response include a description of additional water rights owned by you, or submission of a compliance plan.

If you have valid and legal water rights that would cover the increased acreage, you must file the appropriate conveyance documents with the Division. You must also file the appropriate change applications. Any change applications changing the place of use to the east property or the west property must be approved before the water can be used.

If you do not have additional water rights, we request that you submit a compliance plan with the Regional Office of the Division of Water Rights in Richfield. The compliance plan must include a specific designation of which 77.8 acres of the east property and which 131.52 acres of the west property you intend to irrigate next irrigation season. The compliance plan must also include a plan, approved by the Division of Water Rights, for monitoring of the actual irrigation. Similar plans must be submitted annually, before the beginning of the respective irrigation season, until the Division of Water Rights determines that it is no longer necessary.

Regardless of whether you file a compliance plan, this letter is a final notice and order to cease and desist irrigating more land than allowed under your water rights. If we have not received documents verifying additional water rights or a compliance plan from you within thirty days, the Attorney General's Office will file the complaint without further notice to you. If you choose to file a compliance plan, you are hereby notified that if at any time, including during the 1998 or any subsequent irrigation season, you are observed to irrigate in excess of your valid water rights, the Attorney General's Office will immediately file the complaint without further notice to you.

This is not an adjudication of your water rights. This is an action to enforce your legal and valid water rights, undertaken under authority granted to the State Engineer under Utah Code Annotated, Section 73-2-1 (Supp. 1997).